

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

DAVID SAMBRANO, individually, and on behalf of all others similarly situated,	§ § § § § § § § § § § §	Civil Action No. 4:21-CV-01074-P
Plaintiffs,		
v.		
UNITED AIRLINES, INC.,		
Defendant.		

JOINT MEDIATION REPORT

Plaintiffs and Defendant submit this Joint Mediation Report pursuant to the Court's June 5, 2023 Order, which directs the parties to "report of the results of their mediation." ECF No. 181 ("Order").

1. The parties participated in a mediation with the Honorable David L. Evans, the mediator appointed by the Court, on Monday, August 28, 2021, at Kelly Hart & Hallman, LLP's Fort Worth office, from approximately 8:30 a.m. to 3:00 p.m. All of the Plaintiffs were present for the mediation and were represented by Brian Field and John Sullivan. Three corporate representatives of United – with full settlement authority – were present and were represented by Don Munro, Russell Cawyer, and Taylor Winn.

3. Each side had multiple meetings with the mediator throughout the day, thoroughly discussed the various issues, and exchanged written settlement proposals through the mediator. The parties' representatives also met with each other in the presence of the mediator to discuss damage models and to ask questions regarding each other's proposals. The proceedings were cordial and productive in terms of gaining a greater mutual understanding of each side's respective settlement offer.

4. However, despite these good faith efforts on the part of both sides, the parties have not, as of the filing of this Report, come close to reaching agreement. The main problem, as discussed during the parties' last status conference on March 23, 2023, is the disagreement over class certification. It is difficult for the parties to achieve a reasonable settlement when they are, in effect, valuing two different cases.

5. At the end of the day, Judge Evans assessed the parties' positions and, in the parties' shared view, correctly concluded that the parties are at impasse and are likely to remain so until there is a resolution of the question of class certification. Hence, in Judge Evans' opinion, further mediation would not be productive.

6. Both sides are amenable if Judge Evans wishes to share further details about the mediation with the Court, including the parties' settlement positions, the issues that divide them, and/or Judge Evans' opinions on the proper course for decision on those issues.

7. The parties will continue to consider whether there are ways to narrow the gap between them and will reengage in further settlement discussions if it makes sense to do so prior to the Court's ruling on class certification.

Respectfully submitted,

/s/ John C. Sullivan

John C. Sullivan
Texas Bar No. 24083920
john.sullivan@the-sl-lawfirm.com
S|L LAW PLLC
610 Uptown Boulevard, Suite 2000
Cedar Hill, TX 75104
Telephone: (469) 523-1351
Facsimile: (469) 613-0891

Mark R. Paoletta (*Pro Hac Vice*)
D.C. Bar No. 422746
mpaoletta@schaerr-jaffe.com
Gene C. Schaerr (*Pro Hac Vice*)
D.C. Bar No. 416368
Brian J. Field (*Pro Hac Vice*)
D.C. Bar No. 985577
Kenneth A. Klukowski (*Pro Hac Vice*)
D.C. Bar No. 1046093
Annika M. Boone (*Pro Hac Vice*)
Utah Bar No. 17176
SCHAERR | JAFFE LLP
1717 K Street NW, Suite 900
Washington, DC 20006
Telephone: (202) 787-1060
Facsimile: (202) 776-0136

**COUNSEL FOR PLAINTIFFS
AND THE PROPOSED CLASS**

/s/ Russell D. Cawyer

Donald J. Munro
D.C. Bar No. 453600
JONES DAY
51 Louisiana Avenue, NW
Washington, DC 20001
Telephone: (202) 879-3939
Facsimile: (202) 626-1700
Email: dmunro@jonesday.com

Russell D. Cawyer
State Bar No. 00793482
Taylor J. Winn
State Bar No. 24115960
KELLY HART & HALLMAN LLP
201 Main St., Ste. 2500
Fort Worth, Texas 76102
(817) 878-3562 (telephone)
(817) 335-2820 (facsimile)
russell.cawyer@kellyhart.com
taylor.winn@kellyhart.com

Jordan M. Matthews (*Pro Hac Vice*)
IL Bar No. 6300503
Jones Day
77 W. Wacker Drive, Suite 3500
Chicago, Illinois 60601
Telephone: (312) 782-3939
Facsimile: (312) 782-8585
Email: jmatthews@jonesday.com

Alexander V. Maugeri (*Pro Hac Vice*)
NY Bar No. 5062666
Jones Day
250 Vesey Street
New York, NY 10281-1047
Telephone: (212) 326-3880
Facsimile: (212) 755-7306
Email: amaugeri@jonesday.com

**ATTORNEYS FOR DEFENDANT
UNITED AIRLINES, INC.**

CERTIFICATE OF SERVICE

On September 18, 2023, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or pro se parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Russell D. Cawyer
Russell D. Cawyer